



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,036	05/12/2005	Jurgen Bieber	2002P17457WOUS	2389

7590 08/06/2008
Siemens Corporation
Intellectual property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

NILANONT, YOUAPORN

ART UNIT	PAPER NUMBER
----------	--------------

4121

MAIL DATE	DELIVERY MODE
-----------	---------------

08/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/535,036	Applicant(s) BIEBER, JURGEN	
	Examiner YOUAPORN NILANONT	Art Unit 4121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-26 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 9-26 is/are rejected.
- 7) ☒ Claim(s) 26 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/12/2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Furthermore, descriptive legends are required for various elements in figures 1-3 for a better understanding of the invention. See 37 CFR 1.84(o).
2. Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
4. The abstract of the disclosure is objected to because it includes legal phraseology. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. Correction is required. See MPEP § 608.01(b) section C.

5. The disclosure is objected to because of the following informalities: "visualized uniformly for **the or** each user 12 to 14" cited on page 6 line 29 makes the description unclear.

Appropriate correction is required.

Claim Objections

6. Claim 26 is objected under 37 CFR 1.75 as being a substantial duplicate of claim 9. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Construction

7. The various types of data such as "data of an automation device," "data of an ERP device," "data of an MES device," and "other production-relevant data of another data source" as cited in claims 9 and 26, do not impose any functionality for the claimed invention nor is there anything in any of the claims that requires the data to be of any particular data type. There is no reason to believe that the device as claimed should be found patentably distinct merely because of the type of data it displays (see MPEP 2106 (II) and 2111.04). Therefore, the data is non-functional and has not been given any patentable weight. In the discussion of the claims below, this material has been placed in double square brackets indicating that, even though it has not been given any

patentable weight, the data has been construed as data from multiple devices and has been fully considered.

8. The term “uniform” cited in claims 9, 10, and 26 has been construed as a single point of access or display form. Since the application’s specification does not explicitly define “uniform”, American Heritage Dictionary is relied on, which defines it as “always the same.”

9. The term “role-based manner” cited in claims 17-22 has been construed as “manner controlled by the access administration device” as described in the specification for a data acquisition device (see Page 6 Lines 7-22). Therefore, the acquisition device assembles data from different predetermined data sources depending on user identification as identified by the use of password in the access administration device.

10. The portion of claim 9, “wherein the data are data of ... another data source,” and the portion of claim 26 following “wherein the data sources provide ...” do not impose any particular functional requirement for the claimed device itself, and therefore do not limit the claims (see MPEP § 2106 (II) and § 2111.04). In the discussion of the claims below, this material has been placed in double square brackets indicating that, even though it has not been given any patentable weight, it has been fully considered.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

Art Unit: 4121

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

12. Claim 9-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

With respect to claim 9, it recites a mechanism "for providing a uniform, central access to all data sources" in which no description has been provided in the specification. Applicant has not enabled unqualified access to **all** data sources as recited in the claim. If this was applicant's intention, the specification is inadequate. For purposes of examination, "all data sources" has been construed as said various data sources as cited in the first line of this claim.

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. Claims 9, 11-15 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

15. Regarding claims 9 and 26, the recitation of "and/or" fails to particularly point out whether the claims affirmatively require the conjoined data types or if they are to be interpreted in the alternative. For purposes of examination, the data types in claims 9 and 26 have been construed in the alternative only.

Regarding claims 11 and 12, they recite a device "for providing a password-protected access and a role-based access," wherein the "role-based access" is

described in the specification as user-specific access to predetermined data sources administrated by an administration device which identifies each user by "means of password" (Page 5 Lines 25-30). According to the applicant's specification, the "password-protected access" and "role-based access" are essentially the same access and therefore renders claim 11 and 12 indefinite (see MPEP 2173.05(o)).

Regarding claims 13-15, the "role-based manner" for visualization of data cited is not described in the specification. The claimed visualization device is only described as having plurality of visualization components which are implemented on the basis of ASP.NET technology and which display data from various data sources simultaneously or jointly in a visualization window (see Page 6 Lines 24-34). Therefore, visualizing the data "in a role-based manner," which as discussed above means password-protected, renders the claims vague and indefinite. For purposes of examination, the claims have been construed as visualization of data from data sources predetermined for the specific users.

Claim Rejections - 35 USC § 102

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

17. Claims 9-24 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Melchione et al (U.S. Patent 5,966,695).

With respect to claim 9, the Melchione reference teaches a device for the provision of access to data in various data sources (see Figure 1 “Central Database 10” and Column 10 Lines 30-33, “variety of source feeds 21-25” Column 10 Lines 53-54), [wherein the data are data of an automation device, and/or data of an ERP device, and/or data of an MES device, and/or other production-relevant data of another data source], wherein the device comprises mechanisms for providing a uniform, central access to all data sources (see Figure 2) and for uniform visualization of the data in the data sources (see Figure 2, “Workstation 12”).

With respect to claim 10, the Melchione reference further teaches the device as claimed in claim 9, wherein the mechanisms provide a role-based access to the data in the various data sources such that for one or more users uniform access to the data sources predetermined for a particular user (see Column 11 Lines 32-40), and visualization of this data predetermined for the user (see Column 10 Lines 60-61 and Column 21 Lines 55-64), are ensured.

With respect to claims 11 and 12, in addition to the limitations cited above of claims 9 and 10 in which claims 11 and 12 depend on respectively, the Melchione reference further teaches the device as claimed in claims 9 and 10, wherein the mechanisms comprise an access administration device for providing a password-protected access and a role-based access for one or more users to the data in the various data sources (“security database 30” Column 11 Lines 44-48).

With respect to claims 13-15, in addition to the limitations cited above of claims 9-11 in which claims 13-15 depend on, the Melchione reference further teaches the

device as claimed in claims 9-11, wherein the mechanisms comprise a visualization device to visualize the data in the various data sources in a role-based manner (see Figure 2 “Workstation 12” and Figure 5G “USERID:CM169”).

With respect to claim 16, the Melchione reference further teaches the device as claimed in claim 13, wherein the visualization device visualizes data from different data sources jointly in a visualization window (see Figure 2 “Workstation 12”).

With respect to claims 17-22, the Melchione teaches the limitations cited above of claims 9-11, 13, 15, and 16 in which claims 17-22 depend on. The Melchione further teaches the device, wherein the mechanisms comprise a data acquisition device (see Figure 1, “Central Database” 10) for assembling data from the various data sources (see Figure 1, “Feeds” 21-25) in a role-based manner (Since the user of Melchione's system are only allowed to view only the contents he's authorized to view and the central database is composed of data from different sources, therefore, it is understood in the field of the art that the central database must assemble data from sources which a logged on user is authorized to view).

With respect to claim 23, the Melchione reference teaches the device as claimed in claim 17 in which claim 23 depends on. The Melchione further teaches the device, wherein the data acquisition device (see Figure 1, “Central Database” 10 and Column 11 Lines 19-21) accesses the various data sources in a manner controlled by an access administration device and acquires data from these data sources, wherein the data acquisition device provides this data to a visualization device (see “security database 30” Column 11 Lines 41-48).

With respect to claim 24, the Melchione reference teaches the device as claimed in claim 21. Moreover, it teaches the data acquisition device (see Figure 1, "Central Database" 10 and Column 11 Lines 19-21) that accesses the various data sources in a manner controlled by the access administration device and acquires data from the data sources, where in the data acquisition device makes the data available to the visualization device (see "security database 30" Column 11 Lines 41-48).

With respect to claim 26, the Melchione reference teaches a device for providing access to data stemming from various data sources (see Figure 2, Numeral 10 and Column 10 Lines 30-33, "variety of source feeds 21-25" Column 10 Lines 53-54), comprising: a mechanism for providing a uniform, central access to the data sources (see Figure 2) and a mechanism for uniform visualization of the data in the data sources (see Figure 2, "Workstation 12"), [wherein the data sources provide data from an automation device, and/or data from an ERP device, and/or data from an MES device, and/or data from other production-relevant data sources].

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Melchione in view of Ghannam et al. (U.S. Patent Application 2002/0188584).

Claim 25 recites the device as claimed in claim 9, in which Melchione reference teaches. The Melchione's device does not further comprise a polling device configurable by users. However, the Ghannam reference discloses a polling device which is configurable by users (see Ghannam, Figure 9 "Policy Creation") in order to acquire data cyclically from the various data sources (see Ghannam, Figure 9 "Schedule Frequency") and to evaluate the data in such a way that upon attainment of a criterion configurable by users a corresponding message is automatically generated (see Ghannam, Page 5, [0063] Lines 4-8). It would have been obvious to the person having ordinary skill in the art, at the time the invention was made, to have employed the polling device as taught in Ghannam to periodically gather data from data sources of Melchione in order to allow the user to monitor data such as financial portfolio's current status.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Mahmood et al. reference on record discloses of a central access device which compiles data from various data sources based on specific needs of different user.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOUPAPORN NILANONT whose telephone number is (571)270-5655. The examiner can normally be reached on Monday through Thursday and alternate Friday at 7:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Robertson can be reached on 571-272-4186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. N./
Youpaporn Nilanont
Examiner, Art Unit 4121
08/04/2008

/DAVID L. ROBERTSON/
Supervisory Patent Examiner
Art Unit 4121